

REMARKS

Claims 1, 3-13 and 15-18 are pending in this application, claims 2 and 14 having been cancelled. Claims 7, 9, 11, 12 and 16-18 have been deemed to present allowable subject matter, and were objected to only as being dependent upon rejected base claims. Claims 1-6, 8, 10 and 13-15 have been rejected. Claims 1, 3-13 and 15-18 have been amended (most of these revisions make minor changes of form). Claims 1 and 10 are independent.

The Examiner is thanked for the indication of allowable subject matter in claims 7, 9, 11, 12 and 16-18. Those claims have not been placed into independent form because, as explained below, they depend from claims which themselves are patentable over the cited art.

Various claims have been revised to clarify that Applicants do not intend to use means-plus-function features therein.

The Objections to the Claims

Claim 1 has been objected to on grounds it does not clearly recite a preamble and body language.

Without conceding the propriety of this objection, and only in the interests of expediting prosecution, claim 1 has been revised to include a preamble and body. Accordingly, favorable reconsideration and withdrawal of this objection are respectfully requested.

Claims 1, 8 and 10 have been objected to on grounds the use of the term "it" is indefinite.

Claims 1, 8 and 10 have been suitably revised to avoid the use of the term "it". Accordingly, favorable reconsideration and withdrawal of this objection are respectfully requested.

Claims 1, 10 and 14 have been objected to on grounds it is not clear where the "position correcting means" comes from.

Claim 14 has been cancelled, rendering the corresponding portion of this objection moot. Claims 1 and 10 have been suitably revised to attend to this point. Accordingly, favorable reconsideration and withdrawal of this objection are respectfully requested.

Claim 14 has been objected to on grounds it is not clear what the predetermined range is, and how it is relative to the main bag.

The cancellation of claim 14 renders this objection moot. Accordingly, withdrawal of this objection is respectfully requested.

**The Rejection Under
35 U.S.C. § 102**

Claims 1-6, 8, 10 and 13-15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,834,945 to Ishizawa et al.¹ Applicants respectfully traverse this rejection, and submit the following arguments in support thereof.

The cancellation of claims 2 and 14 renders moot the corresponding portions of this rejection.

¹ Ishizawa is commonly assigned along with the present application. To the extent this response discusses Ishizawa, such discussion involves the general teachings of that reference, and should not necessarily be construed to limit the scope of the claims of Ishizawa or any of its counterparts. If that reference is characterized as teaching a particular feature or mode of operation, the claims of that reference and its counterparts should not necessarily be construed to require that feature or mode of operation unless the feature or mode of operation is specifically recited in the claims. In this regard, it should be noted that the claims of a patent are not necessarily limited to embodiments disclosed, and that limitations in the specification are not necessarily to be imported into the claims. Also, an inventor need not foresee all uses for their invention.

Ishizawa is the national stage under 35 U.S.C. § 371 of international application no. PCT/JP01/00386, published in Japanese on July 26, 2001, as International patent publn. no. WO01/53104.

This rejection is respectfully traversed on grounds Ishizawa, since it was published in Japanese, is not available as a reference under 35 U.S.C. § 102(e); § 102(e) states:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that **an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;**

(emphasis added)

M.P.E.P. § 706.02(f)(1)(I)(C)(2) also precludes the application of Ishizawa in a rejection under § 102(e):

(2) If the international application was filed on or after November 29, 2000, but did **not** designate the United States *or was not published in English* under PCT Article 21(2), *do not treat the international filing date as a U.S. filing date for prior art purposes. In this situation, do not apply the reference as of its international filing date, its date of completion of the 35 U.S.C. 371(c)(1), (2) and (4) requirements, or any earlier filing date to which such an international application claims benefit or priority. The reference may be applied under 35 U.S.C. 102(a) or (b) as of its publication date, or 35 U.S.C. 102(e) as of any later U.S. filing date of an application that properly claimed the benefit of the international application (if applicable).*

(bold emphasis in original, italics added)

Ishizawa therefore is not available as a reference under § 102(e).

Moreover, since Ishizawa issued on December 28, 2004, after this application was filed on October 23, 2003 (this application is the national stage under 35 U.S.C. § 371 of an international application filed on October 23, 2003), Ishizawa is not available as a reference under § 102(a or b).

It is noted that Ishizawa was published as U.S. patent appln. publn. no. 2003/0071874 on April 17, 2003 (hereafter, Ishizawa '874). Accordingly, since it is anticipated that Ishizawa '874 would be applied in the Examiner's next paper, Applicants will, in the interests of expediting prosecution, now explain why the claimed invention patentably distinguishes over Ishizawa '874.

In the interests of completeness, Ishizawa '874, as well as its counterpart WO 01/53104, are being cited in the Information Disclosure Statement filed herewith.

Applicants' invention, as recited in claim 1, involves a liquid storage bag for use with a liquid ejection apparatus. Such a liquid storage bag includes a flexible bag main body to store liquid, a liquid supply port communicating with the inside of the bag main body, a storage device attached to the bag main body for storing information concerning the liquid, an interface section connected to the storage device for transferring information to and from the liquid ejection apparatus, and an attachment member formed with the interface section and capable of moving a position of the interface section with respect to the bag main body.

According to claim 10, this invention also concerns a liquid ejection apparatus having a liquid storage bag. The liquid ejection apparatus includes a flexible bag main body storing liquid, a liquid supply port communicating with the inside of the bag main body, a storage device attached to the bag main body for storing information concerning the liquid, and

an interface section connected to the storage device for transferring information to and from the liquid ejection apparatus. A member is formed with the interface section and is capable of moving a position of the interface section with respect to the bag main body. The liquid supplied from the liquid storage bag is ejected from the liquid ejection head.

Ishizawa '874 does not even suggest the attachment member of the present invention. Although the Office Action contends that Ishizawa's connection mechanism 90 corresponds to the attachment member of the claimed invention, that is not correct, whether for Ishizawa or Ishizawa '874. As shown in Figs. 12 and 29, Ishizawa '874's connection mechanism 90 **is part of the recording apparatus**, not a liquid storing bag. Ishizawa '874's specification explicitly states that connection mechanism 90 is not part of the cartridge, but rather, is part of the cartridge holder of the recording apparatus:

[0269] FIG. 12 shows the cross section of an end section on one surface of the ink cartridge 9 constructed in the manner mentioned above according to the first aspect of the present invention, showing a state that the ink cartridge 9 is attached to a **connection mechanism 90 provided on the cartridge holder 8 of the recording apparatus**. FIG. 13 is a perspective view showing an example of the **connection mechanism 90 provided on the cartridge holder 8 of the ink jet recording apparatus** according to the present invention.

[0270] As shown in FIGS. 12 and 13, a pair of columnar positioning pins 91 are disposed on the cartridge holder 8 of the recording apparatus. The pair of positioning opening holes 105 formed in the ink cartridge 9 are mounted to surround the positioning pins 91, respectively.

* * * *

[0391] FIG. 29 shows a section of the end portion on one side of the ink cartridge 9, in which a state where the cartridge holder 9 is to be attached to a **connection mechanism 90 arranged in the cartridge holder 8 on the recording apparatus**. Further, FIG. 30 shows a perspective view of the connection mechanism 90 arranged in the cartridge holder 8.

[0392] The constitution shown in FIGS. 29 and 30 is basically the same as the constitution shown in FIGS. 12 and 13. Accordingly, portions corresponding to those in FIGS. 12 and 13 are denoted by the same reference numerals and their detailed description is omitted. The constitution shown in FIGS. 29 and 30 is different from the constitution shown in FIGS. 12 and 13 in that a connection plate 141 is provided to the connection mechanism 90.

(emphasis added).

Those skilled in the art will therefore appreciate that Ishizawa '874 teaches the **opposite** of the claimed invention.

Moreover, in Ishizawa '874, as shown in Figs. 9, 12, 28B and 29, the circuit board 106 is attached to the rigid second case 102 and so is fixed in place.² For this reason as well, Ishizawa '874's structure cannot suggest moving the position of the interface section of a liquid storing bag with respect to the bag main body, as does the claimed invention.

It is well-accepted that for a reference to anticipate an invention under 35 U.S.C. § 102, that reference must identically disclose all the features recited in the claims. Because Ishizawa '874 does not suggest at least the aspects of the invention discussed in detail above, Ishizawa '874 neither anticipates nor suggests the invention.

The remaining rejected claims, 3-6, 8, 13 and 15, all respectively depend from and so incorporate by reference all the features of independent claims 1 or 10, including those features which have just been shown to patentably distinguish over Ishizawa '874. These dependent claims are therefore patentable at least for the same reasons as claims 1 and 10.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

² Paragraph [0265] states that the lower case 102 is formed by injection molding, and so it will be appreciated that the second case is relatively rigid.

CONCLUSION

Applicants respectfully submit that all outstanding objections and rejections have been addressed and are now either overcome or are moot. Applicants further submit that all claims pending in this application are patentable over the prior art. Favorable reconsideration and withdrawal of those objections and rejections is respectfully requested.

Other than the requisite fee under 37 C.F.R. 1.17(p) authorized in the accompanying Information Disclosure Statement, no fees are believed to be due in connection with the filing of this paper. Nevertheless, the Commissioner is authorized to charge any fees which may now or hereafter be due in this application to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,

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